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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our help in ages past, our hope for years to come, on yesterday millions remembered our kinship of loss because of September 11, 2001, and we paused to acknowledge Your authority over our lives.

Without You, we cannot function as a people or Nation. Without Your shield of protection, our efforts to defend ourselves will fail. Unless You bless our Nation, we labor in vain.

Keep us from the arrogance that places its confidence in weapons made by human hands. Infuse us with a national awareness that righteousness exalts a Nation and sin brings shame.

Today, as Senators work for freedom, give them an awareness of Your abiding presence and steadfast love. Help them to remember that those who love You are never alone.

And, Lord, in these challenging times, bless our military people who routinely give their tomorrows for our todays. We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a pe-

riod for the transaction of morning business until the hour of 3 p.m., with the time equally divided.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will begin today's session with a period for morning business that will extend for an hour, until 3. At 3, we will resume consideration of the Commerce-Science-Justice appropriations bill. We are prepared for Members to come forward to offer their amendments to the bill so that we can complete action early this week.

We reached an agreement to limit amendments to the bill, and now is the time for Senators to come and debate their amendments. There is a vote scheduled for this evening. At 5:30, we will begin a 1-hour period of debate prior to a vote at 6:30 on the motion to proceed to the resolution of disapproval on regulations relating to mercury. If that motion is not agreed to, we would return to the Commerce appropriations bill. If the motion is agreed to, then we would begin 2 hours of debate on the pending resolution.

Having said that, we will be continuing the appropriations process this week, with many of these bills having disaster-related language. It is important that we continue to expedite our efforts on all fronts, and therefore we will be voting throughout the week.

In addition to our floor business today, Chairman SPECTER opened the hearings on the nomination of Judge Roberts at noon, now 2 hours ago. We will make every effort to not interrupt those hearings as we continue our work on the floor, and therefore we will be looking to stack votes around lunchtime each day or later in the evening throughout the week.

CLEANUP PROGRESS SINCE HURRICANE KATRINA

Mr. FRIST. Mr. President, I am pleased to report that hour by hour, day by day, we are making steady progress in the rescue and recovery efforts in response to the natural disaster witnessed now a week and a half ago. As I speak, there are 20,000 Active military personnel on the ground, along with 50,800 National Guard, 4,000 Coast Guard, and 8,900 FEMA responders. There are over 1,000 uniformed commissioned public health personnel on the ground as we speak.

Law and order in New Orleans has been completely restored. Power is back for most of the city's central business district. City hall has running water and electricity. The Army Corps of Engineers reports that the city will be completely drained by early October. Hundreds of city engineers have been working around the clock, even sleeping on the floors of their pumping stations, to drain the toxic flood waters out of the city.

Aaron Broussard, president of Jefferson Parish, is seeing continual progress. In his words, we are feeding more people, we are recovering more people, the infrastructure is more improved, we are clearing more roads, we have more power—every day more victories.

Meanwhile, the Federal Government remains committed to helping shoulder the burden. To date, Congress has allocated more than \$62 billion in aid for rescue relief and recovery efforts. President Bush has granted the hurricane survivors special evacuee status which will make it easier for the storm victims to collect Federal benefits such as food stamps, childcare, and Medicaid wherever they are in America.

FEMA has begun distributing \$2,000 per household so that the survivors can start to get back on their feet and meet their immediate needs. This week, Congress will continue to clear

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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measures to cut redtape and bureaucratic tangles to help hurricane victims get the assistance they need. I expect the Senate over the week to clear legislation making it easier for evacuees to receive welfare benefits and student aid.

We also intend to boost FEMA's borrowing authority from \$1.5 billion to \$3.5 billion. The national flood insurance program administered by FEMA is facing its greatest losses in history. We need to make sure they have the resources they need so that victims receive appropriate, proper, and timely payment.

We are also working on ways to spur private investment in this overall rebuilding effort. Katrina is estimated to have swept away over 400,000 jobs. People need these jobs, and the Gulf Coast needs to be rebuilt bigger, more modern, and more prosperous so that it can provide economic opportunity. We will continue to press forward with the joint hearings announced last week on the preparations for hurricanes and that immediate disaster response. We need to find out what went wrong, what went right, what worked, and what did not.

It is clear that things did not turn out as we would like for them to at a response level, at the Federal level, at the State level, or at the local level. There have been problems at all levels of government, and we will get to the bottom of those problems.

Through it all, America will emerge smarter, stronger, and more effective in how we respond to disaster, natural and manmade. Nature has dealt a painful blow, but America does stand unified, and in the past 2 weeks her citizens have shown tremendous courage, generosity, and outpouring of spirit. Countless people are pouring out their hearts, time, and resources, and literally opening their homes to shelter and comfort the survivors. There are over 1.1 million people displaced. About half of those, or about 500,000, have been displaced to other States than those three most affected States. Private donations to hurricane relief funds have soared to nearly \$700 million. The American Red Cross alone has received \$500 million in gifts and pledges. Thirty-six thousand Red Cross volunteers are serving in over 675 shelters in 23 States.

The Salvation Army has received over \$65 million. America's Second Harvest has raised nearly \$12 million and delivered 16 million pounds of food. The list goes on. These are but a few examples.

Americans from all across the country and all walks of life are asking what they can do to help. The past 2 weeks stand as a testament to the depth and strength of our national character and civic bonds. Millions of citizens, millions of Americans, are committed to the care, nurture and well-being of one another. The rescue and recovery will continue. The cities and towns all across that Gulf Coast

will be rebuilt. They will reemerge more modern and more prosperous than ever before. The Senate will continue moving forward on behalf of our fellow citizens and on behalf of future generations who will call the gulf coast home.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

NOMINATION OF JOHN ROBERTS TO BE CHIEF JUSTICE OF THE UNITED STATES SUPREME COURT

Mr. DAYTON. Mr. President, today the Senate Judiciary Committee began its hearings on President Bush's nomination of Judge John Roberts to be the next Chief Justice of the U.S. Supreme Court. I remain undecided and open minded, as I believe virtually all of my colleagues have also stated themselves to be, about the nominee. I will remain so until those hearings are complete. Nevertheless, I commend President Bush for acting swiftly and responsibly to nominate the successor to the very distinguished and dedicated former Chief Justice William Rehnquist. His tragic death, along with the announced resignation of Justice Sandra Day O'Connor, has created a second vacancy on the Supreme Court, a vacancy for which the President has not yet nominated a replacement but may do so any time in the future.

So it is not surprising that even while Judge Roberts confirmation hearings are just beginning, many Americans are already looking ahead and are attempting to influence the President's decision on this second Supreme Court nominee.

While President Bush unquestionably has the right to nominate the man or woman—I personally hope it is the woman—of his own choosing, and in fact the President has earned that right by his reelection last November, I believe he has the responsibility to select someone who would be the choice of the vast majority of all Americans, for this woman or man will be a Supreme Court Justice for all Americans living today and likely for all Americans yet to come for many years ahead. If confirmed, she or he will take an oath of office, as each of us has done, to uphold the Constitution of this great country, a 216-year-old document which still lives today to guarantee and protect the rights, the freedoms, and the responsibilities of all 290 million American citizens—not just the majority or the minority, not just Republicans or Democrats, not just conservatives or liberals, not just Christians, Muslims, or Jews, not just some but all Americans.

That responsibility—of the President, of this Senate, and of each Supreme Court Justice—to all Americans is why I found so disturbing an article in last Saturday's Washington Post. The front page lead-in said:

In defense of Alberto Gonzales, supporters counter the idea that the Attorney General is too moderate for the High Court.

Alberto Gonzales, as we all know, is the Attorney General of the United States and is widely considered to be one of the President's most likely considered nominees to fill this second Supreme Court vacancy. The Washington Post story's headline reads: "Gonzales is Defended as Suitable for the Court."

The article begins:

Supporters of Attorney General Alberto Gonzales have launched a campaign to rebut criticism that he is not reliably conservative enough to serve on the Supreme Court.

I find those words bizarre. Accurate, I have no doubt, in portraying a bizarre situation caused by the bizarre behavior of some bizarre people who are—and this is where it becomes frighteningly bizarre—seriously trying to determine who the President of the United States will or will not nominate to the U.S. Supreme Court.

It shall not be, they decree, someone too moderate to be suitable for the Supreme Court. Too moderate to be suitable to serve on the U.S. Supreme Court? What terrible acts of moderation has Attorney General Gonzales committed to make himself unsuitable, unfit or unqualified?

According to the article, as a justice on the Texas supreme court 5 years ago, then-Judge Gonzales sided with the court's majority in upholding the constitutionality of a Texas State law that provided a judicial bypass to allow a State judge, in exceptional circumstances, to allow a minor woman to obtain an abortion without her parents' notification. According to the article, Judge Gonzales:

... wrote that he felt a duty to follow the law without imposing my moral view, even if the ramifications may be personally troubling to me as a parent.

In other words, he did what a State or Federal Supreme Court Justice is sworn to do, to decide upon the constitutionality of legislation that State legislatures or the Congress passes and that Governors or Presidents sign into law, based upon the written State and U.S. Constitutions, regardless of their personal views. If that is considered too moderate to be suitable for the Supreme Court, then this country is headed for the extreme deep end.

On the other side, to prove that the Attorney General is not too moderate to be suitable for the Supreme Court, his supporters reportedly note that, as President Bush's White House counsel, he successfully excluded the American Bar Association from the judicial selection process. That proves he is suitable? As I said, this political psychodrama has taken the bizarre twist of Alice in Wonderland, where black is white and up is down; where suitable is unsuitable and unsuitable becomes suitable, except that this is no play, and these people are not playing around. The stakes couldn't be higher, and these people are playing for them all. The stakes are the future of the